

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL MURPHY)	CIVIL ACTION NO. 16-11684
Plaintiff,)	
)	
v.)	COMPLAINT
)	
MSC MEDITERRANEAN SHIPPING)	
COMPANY S.A. as owners of the)	
MSC FEDERICA)	
Defendant.)	

INTRODUCTION

1. This is an action for maritime personal injuries brought pursuant to the Longshore and Harbor Workers' Compensation Act which occurred on or about August 24, 2013 due to the negligent operation of the MSC FEDERICA ("vessel") and her appurtenances while the Plaintiff, Michael Murphy, was working alongside her.
2. The Plaintiff asserts a cause of action against each Defendant for personal injuries based upon negligence, all claims brought under the Admiralty jurisdiction of this Court.

JURISDICTION AND VENUE

3. This is a maritime case being brought pursuant to 28 U.S.C. § 1331(1), the General Maritime Law and the Longshore and Harbor Workers' Compensation Act at 33 U.S.C. § 905(b).
4. Venue is proper pursuant to 28 U.S.C. § 1391.

PARTIES

5. The Plaintiff, Michael Murphy, is an individual and a resident of Wilmington, Massachusetts.

6. The Defendant, MSC Mediterranean Shipping Company SA is a domestic business corporation that, at all relevant times, was doing business in the Commonwealth of Massachusetts and owned, operated, managed or chartered the MSC FEDERICA.

FACTUAL ALLEGATIONS

7. On or about August 24, 2013, Mr. Murphy was working on board the MSC FEDERICA as a longshore harbor worker at Conley Terminal in South Boston, Massachusetts.
8. The Plaintiff was lashing two high containers and was asked by an overhead crane operator to check to see whether the “pins” had been placed in one of the top containers.
9. As Mr. Murphy walked across the hatch cover to get a view of the pins, he stepped on the hatch cover/cat walk and was caused to fall approximately four feet due to grease on the cat walk.
10. The grease was dripped on the cat walk by crew members of the MSC FEDERICA.
11. The Defendant, MSC Mediterranean Shipping Company SA, at all relevant times, the owner, operator, manager or charterer of the vessel on which the Plaintiff was working at the time he suffered his injuries.
12. At all relevant times the MSC FEDERICA was a “vessel” within the meaning of 1 U.S.C. § 3.

COUNT I

MICHAEL MURPHY v. MEDITERRANEAN SHIPPING COMPANY
(Longshore Harbor Workers’ Compensation Act at 33 U.S.C. § 905(b) – Negligence)

13. Paragraphs 1 through 12 are realleged and incorporated herein by reference.
14. On or about August 24, 2013, the Plaintiff, Michael Murphy, was walking across the catwalk and was caused to sustain serious, permanent and disabling injuries to his body

due to negligence attributable to the Defendant, in the following respects, or as will appear at the trial of this matter:

- a. Failure to provide Plaintiff with a safe place to work;
 - b. Failure to exercise reasonable care under the circumstances for the safety of the Plaintiff;
 - c. Such other negligence as discovery may reveal.
15. The injuries sustained by the Plaintiff, Michael Murphy, were due to no fault of his own, but were caused by the negligence of the Defendant.
 16. The Defendant, through its officers and servants, provided the Plaintiff work equipment that was or should have been known by Defendant to be both improper and defective.
 17. The Defendant failed to conform to the applicable treaties, statutes, regulations, standards, rules, and their own internal policies regarding safe work equipment of the vessel.
 18. The Defendant's negligence exposed the Plaintiff, Michael Murphy, to an unreasonable risk of harm.
 19. The negligent acts of the Defendant were a proximate cause of the Plaintiff's injuries.
 20. As a result of the Defendant's negligence, the Plaintiff, MICHAEL MURPHY, has suffered excruciating, painful and disabling injuries resulting in the need for extensive past, present, and future medical treatment; mental discomfort, embarrassment and inconvenience; loss of function needed to perform the skills of a longshoreman; loss of enjoyment of life; and loss of wages – all for which Plaintiff, Michael Murphy, is entitled to recover from the Defendant.
 21. This cause of action is brought for Negligence under the Longshore and Harborworkers' Compensation Act at 33 U.S.C. § 905(b).

REQUEST FOR RELIEF

- a. That this Court, under Count I, enter judgment in favor of the Plaintiff, Michael Murphy, against the Defendant.
- b. For such other relief as this Court deems appropriate.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS

Respectfully submitted,
For the Plaintiff,
Michael Murphy,
By his attorney,

/s/ Brian Keane
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I hereby certify that a true copy of the above document was served upon each attorney of record by ECF on August 18, 2016.

/s/ Brian Keane